

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRENDAN SULLIVAN,

Plaintiff,

- against -

SUN KOOK “BILL” HWANG ET AL.,

Defendants.

ORDER

22 Civ. 5675 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

The conference in this matter scheduled for November 17, 2022 is adjourned sine die.

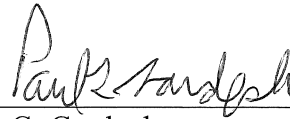
Plaintiff alleges that while employed as a Managing Director of the Archegos Fund (“Archegos”) he participated in a “deferred compensation plan” (the “Plan”), which was governed by the Employee Retirement Income Security Act of 1974 (“ERISA”). (Cmplt. (Dkt. No. 1) ¶¶ 79, 106, 233) Plaintiff alleges various breaches of ERISA and state law by the Defendants in relation to the Plan and premises federal question jurisdiction on ERISA and supplemental subject matter jurisdiction as to the state law claims. (Id. ¶¶ 18-19, 211-366) The Defendants seek leave to file a motion to dismiss on grounds that ERISA does not govern the Plan and that this Court should choose not to exercise supplemental jurisdiction over the state law claims, among other grounds. (See Archegos Ltr. (Dkt. No. 65) at 2; see also Dkt. Nos. 66, 70-73 (other Defendants joining the Archegos Defendants’ letter)) In response to the Defendants’ pre-motion letters, Plaintiff asserts that regardless of whether the court dismisses his

ERISA claims, diversity jurisdiction exists as to his state law claims. (Sept. 30, 2022 Pltf. Ltr. (Dkt. No. 85) at 5) The Complaint does not aver diversity jurisdiction, however.

Accordingly, Plaintiff is granted one week to amend the Complaint to add allegations of diversity jurisdiction. Defendants will jointly submit a letter to the Court two weeks hence indicating whether they still wish to move to dismiss and if so, on what grounds.

Dated: New York, New York
November 16, 2022

SO ORDERED.

A handwritten signature in black ink, appearing to read "Paul G. Gardephe", is written over a horizontal line.

Paul G. Gardephe
United States District Judge